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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT PAPER NUMBER

3621

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,908

Applicant(s)

OFFER, GERO

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/28/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Saito (5504933) in view of Yoshikawa et al (6249532) or Garneau et al (5497420).

Regarding claim 1, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon fee transfer, sending decode data to permit the user to descramble the program by a control device substantially as claimed. The differences between the above and the claimed invention is the use of specific transmission of a decoding key. It is noted that it is believed that the permit code are functionally equivalent to the claimed limitations and that the

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claim as drawn is readable on any the well established pay per view based television transaction methods. Either Yoshikawa et al (element 301) or Garneau et al (See Fig. 1, Col. 6, lines 25-40) show encryption keys transmitted over a network in a television scrambling billing method. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Saito because the decoding data permit codes and encryption keys are conventional functional equivalents with respect to the claim limitations and their employment is a necessary component of validation and use in a scrambling method. Regarding the charging limitations of claim 2, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon fee transfer, sending decode data to permit the user to descramble the program by a control device which is a functional equivalent of the claim limitations. Regarding the charging limitations of claim 3, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon fee transfer, sending decode data to permit the user to descramble the program by a control device which is a functional equivalent of the claim limitations because if insufficient funds are present, notice is always given as a

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standard business practice. Regarding the user limitations of claim 4, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user which is a functional equivalent of the claim limitations. Regarding the user limitations of claim 5, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user including specific user data which is a functional equivalent of the claim limitations. Regarding the information limitations of claim 6, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon fee transfer, sending decode data to permit the user to descramble the program by a control device which is remotely enabled which is a functional equivalent of the claim limitations. Regarding claim 7, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose means for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon fee transfer, sending decode data to permit the user to descramble the program by a control device substantially

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as claimed. The differences between the above and the claimed invention is the use of specific transmission of a decoding key. It is noted that it is believed that the permit code are functionally equivalent to the claimed limitations and that the claim as drawn is readable on any the well established pay per view based television transaction means. Either Yoshikawa et al (element 301) or Garneau et al (See Fig. 1, Col. 6, lines 25-40) show encryption keys transmitted over a network in a television scrambling billing means. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Saito because the decoding data permit codes and encryption keys are conventional functional equivalents with respect to the claim limitations and their employment is a necessary component of validation and use in a scrambling means. Regarding the user limitations of claim 8, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose means for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user including specific user data which is a functional equivalent of the claim limitations. Regarding the information limitations of claim 9, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose means for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon fee transfer, sending decode data to permit the user to descramble

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the program by a control device which is remotely enabled which is a functional equivalent of the claim limitations. Regarding the control limitations of claim 10, Saito (See abstract, Figs. 2-22, Col. 3, lines 10-50, Col. 4, lines 10-45, claims 1, and 3) disclose means for requesting a pay per view program in a television set via a radio wave communication link, pay a fee by a specific user and upon fee transfer, sending decode data to permit the user to descramble the program by a control device which is remotely enabled which is a functional equivalent of the claim limitations.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor(Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SALVATORE CANGIALOSI
PRIMARY EXAMINER
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